



Virginia  
Regulatory  
Town Hall

## Exempt Action Final Regulation Agency Background Document

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| <b>Agency Name:</b>        | State Water Control Board                                                                                           |
| <b>VAC Chapter Number:</b> | 9 VAC 25-115-10 et seq.                                                                                             |
| <b>Regulation Title:</b>   | General Virginia Pollutant Discharge Elimination System (VPDES) Permit Regulation for Seafood Processing Facilities |
| <b>Action Title:</b>       | Amendments to Existing Regulation                                                                                   |
| <b>Date:</b>               | April 23, 2001                                                                                                      |

Where an agency or regulation is exempt in part or in whole from the requirements of the Administrative Process Act (§ 9-6.14:1 *et seq.* of the *Code of Virginia*) (APA), the agency may provide information pertaining to the action to be included on the Regulatory Town Hall. The agency must still comply the requirements of the Virginia Register Act (§ 9-6.18 *et seq.* of the *Code of Virginia*) and file with the Registrar and publish their regulations in a style and format conforming with the *Virginia Register Form, Style and Procedure Manual*. The agency must also comply with Executive Order Fifty-Eight (99) which requires an assessment of the regulation's impact on the institution of the family and family stability.

This agency background document may be used for actions exempt pursuant to § 9-6.14:4.1(C) at the final stage. Note that agency actions exempt pursuant to § 9-6.14:4.1(C) of the APA do not require filing with the Registrar at the proposed stage.

In addition, agency actions exempt pursuant to § 9-6.14:4.1(B) of the APA are not subject to the requirements of the Virginia Register Act (§ 9-6.18 *et seq.* of the *Code of Virginia*) and therefore are not subject to publication. Please refer to the *Virginia Register Form, Style and Procedure Manual* for more information.

### Summary

*Please provide a brief summary of the proposed new regulation, amendments to an existing regulation, or the regulation being repealed. There is no need to state each provision or amendment or restate the purpose and intent of the regulation, instead give a summary of the regulatory action and alert the reader to all substantive matters or changes. If applicable, generally describe the existing regulation.*

The State Water Control Board proposes to amend the VPDES General Permit Regulation for Seafood Processing Facilities in order to reissue the general permit for another five year term. The reissued general permit will replace current General Permit VAG52 which will expire on

July 24, 2001. The existing regulation sets forth guidelines for the permitting of wastewater discharges from seafood processing facilities, and establishes limitations and monitoring requirements for flow, pH, biochemical oxygen demand, total suspended solids, and oil and grease based on the species processed and the applicable effluent guidelines established by the Environmental Protection Agency in 40 CFR Part 408. The regulation also sets forth the minimum information requirements for all requests for coverage under the general permit. No significant changes to the existing regulation are proposed in this amendment.

One minor revision has been made to the regulation since the proposed version was published. It appears at 9 VAC 25-115-50, p. 60 in Part III K.1.a.

## Statement of Final Agency Action

*Please provide a statement of the final action taken by the agency .including the date the action was taken, the name of the agency taking the action, and the title of the regulation.*

The State Water Control Board adopted as final the regulation for the General VPDES Permit for Seafood Processing Facilities, 9 VAC 25-115-10 et seq., as amended, at its meeting of March 26, 2001.

## Additional Information

*Please indicate that the text of the proposed regulation, the reporting forms the agency intends to incorporate or use in administering the proposed regulation, a copy of any documents to be incorporated by reference are attached.*

*Please state that the Office of the Attorney General (OAG) has certified that the agency has the statutory authority to promulgate the proposed regulation and that it comports with applicable state and/or federal law. Note that the OAG's certification is not required for Marine Resources Commission regulations.*

*If the exemption claimed falls under § 9-6.14:4.1(C) (4)(c) of the APA please include the federal law or regulations being relied upon for the final agency action.*

***The text of the amended regulation is attached. The Attorney General's Office has certified that the Board has the statutory authority to promulgate this regulation and that the rulemaking qualifies for an exemption under § 9-6.14:4.1C4(c) of the APA. The final regulation comports with applicable federal regulations at 40 CFR Parts 122, 123, 125 and 408 and state regulations at 9 VAC 25-31-10 et seq.***

## Family Impact Statement

***Please provide an analysis of the regulatory action that assesses the impact on the institution of the family and family stability including the extent to which the regulatory action will: 1) strengthen or erode the authority and rights of parents in the education, nurturing, and supervision of their children; 2) encourage or discourage economic self-sufficiency, self-pride, and the assumption of responsibility for oneself, one's spouse, and one's children and/or elderly parents; 3) strengthen or erode the marital commitment; and 4) increase or decrease disposable family income.***

This regulation will have no direct impact on the institution of the family or family stability.

**SUMMARY OF COMMENTS AND RESPONSES:  
AMENDMENT TO GENERAL VPDES PERMIT REGULATION FOR SEAFOOD  
PROCESSING FACILITIES 9 VAC 25-115-10 et seq.**

February 14, 2001

The public comment period for this draft regulation ran from November 6, 2000 through January 8, 2001. A public hearing was held in Kilmarnock, Virginia on December 12, 2000 with Dr. Karl F. Wenger serving as hearing officer.

Two people attended the hearing with none speaking, and no letters or emails providing written comments were received. The U.S. EPA has reviewed the general permit reissuance and has no comments according to their letter of February 14, 2001.

**Summary of comments and agency responses:**

No comments received.